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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,936	10/31/2001	Jonathan Klaren	990312	9954

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Qualcomm Incorporated
Patents Department
5775 Morehouse Drive
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EXAMINER

NGUYEN, PATRICIA T

ART UNIT	PAPER NUMBER
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2817

DATE MAILED: 04/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/039,936	Applicant(s) KLAREN ET AL.	
	Examiner Patricia T Nguyen	Art Unit 2817	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-31 and 34-37 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5, 7-9, 11-13, 32 and 38 is/are rejected.
- 7) ☒ Claim(s) 3, 4, 6, 10 and 33 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

Figures 5, 6, 7 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

Claim 38 is objected to because of the following informalities:

Claim 38, line 6, "first circuit element" should read -- means for receiving said input signal --.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5, 7, 13, 32, 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Peter Wendt et al., EP 0463231 A1 (provided by the applicants).

The only figure of Peter Wendt et al. discloses coupler H1 can be read as a first circuit element or means for receiving an input signal; amplifier T2 can be read as a first

power amplifier; amplifier T3 can be read as a second power amplifier; switch 2 can be read as a first switch; path 3 can be read as a bypass path; coupler H2 can be read as a second circuit element or means for receiving and for combining the amplified signal; switch 4 can be read as a second switch; resistor R1 can be read as a first terminating resistor; resistor R2 can be read as a second terminating resistor.

Regarding claim 32, the method resides inherently in the apparatus.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8, 9, 11, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peter Wendt et al., EP 0463231 A1 (provided by the applicants).

Regarding claims 8, 9, 11, 12, although Peter Wendt et al. does not mention about the first circuit element, the first power amplifier, the second power amplifier, the second circuit element, the first switch and the first terminating resistor, the second switch and the second terminating resistor are integrated into a single power amplifier package, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to ingrate the components into a single package in order to have a compact and convenient to use circuit since this is a well known practice in the art and this is a matter of design choice.

Allowable Subject Matter

Claims 3, 4, 6, 10, 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 14-31 and 34-37 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: prior art does not teach nor render obvious an amplifier that has, in combination with other limitations, a second switch which alternately connects an isolated port of the first circuit element to ground or the bypass path; neither does it have a switch which alternately connects an isolated port of said second circuit element to ground or a signal distortion compensation path, a signal processing circuit which receives a first coupled signal from said input signal and a second coupled signal from said output signal and produces a distortion compensation signal, wherein when said switch connects said isolated port of said second circuit element to said distortion compensation path, said distortion compensation signal being input to said isolated port of said second circuit element.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patents # 6,208,202 B1, # 6,362,685 B1, # 4,656,434, # 4,490,684 contain some limitations of the claimed invention.

Art Unit: 2817

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia T Nguyen whose telephone number is (703) 308-1927. The examiner can normally be reached on 6:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pascal can be reached on 703-309-4940. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PTN
April 2, 2004

PATRICIA NGUYEN
PRIMARY EXAMINER